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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,899	04/26/2000	Masahiko Sato	450100-02464	1579
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FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER ONUAKU, CHRISTOPHER O				
ART UNIT		PAPER NUMBER		
2616				

DATE MAILED: 07/28/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/558,899

Applicant(s)

SATO, MASAHIKO

Examiner

Christopher O. Onuaku

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 11 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 11 cites the limitation "... separating said receiving and decoding operations from said extracting, comparing, outputting, entering, and recording operations to provide modularity". Examiner finds no disclosure in the specification that shows the claimed limitations of claim 11.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2616

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1,5-8,12&13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiga et al (US 6,005,562) in view of Kinghorn (US 6,192,187).

Regarding claim 1, Shiga et al disclose techniques for transmitting and receiving electronic program guide (EPG) data, including a technique which permits a user to view, readily understand and select a desired one of several programs, such as television programs, that presently are being transmitted and that will be transmitted to the user's receiving apparatus, comprising;

a) a tuner section for receiving a broadcast program containing broadcast program information (see Fig.23, tuner 21, col.17, lines 1-15);

b) an EPG decoder section for decoding the received broadcast program information to output the EPG data, which includes a broadcast program start time (see Fig.1&20; receiver/decoder 2 which receives and decodes multiplexed program and EPG data transmitted by the apparatus of Fig.1; col.15, lines 46-65 and Fig.7,8&9; col.9, line 6 to col.10, line 47);

c) a controller configured to extract recording management information from the decoded EPG data (see Fig.23; CPU 29; col.17, line 1 to col.18, line 55);

d) wherein the controller compares the current time with the broadcast program start time, outputs a match signal in response to substantial coincidence of time between the current time and the broadcast program start time, and a recording section for recording the broadcast program using the recording management information (see VCR and

col.18, line 56 to col.19, line 20), here examiner reads the VCR as the claimed recording section.

Shiga et al fail to explicitly disclose wherein the controller enters a new broadcast program into the recording management information when match signal is output.

Kinghorn teaches video recorders, including arrangements for locating desired contents on a video tape wherein if a new recording is made, the contents of the index RAM are updated with the positions and duration, at which time the tape is made to wind back to the beginning and then write the new contents data on the tape automatically. In other words, when a new program is to be recorded, a new program identification from the control system is generated. This will either be the program title obtained from PDC or EPG data or will be the channel number and start time as obtained from the control and timing circuit 10, and at a suitable later time when recording has been terminated, the contents of the index RAM are read to the tape (see col.5, line 44 to col.6, line 18). Entering a new broadcast program into a recording management information after a desired program timing is determined in order to initiate a recording function, provides the desirable advantage of updating the management information in order to keep the management information current.

It would have been obvious to enter a new broadcast program into a recording management information after a desired program timing is determined in order to initiate a recording function, since this provides the desirable advantage of updating the management information in order to keep the management information current.

Regarding claims 5&6, Shiga discloses wherein the EPG data includes a broadcasting station name and a title of the broadcast program (see Fig.8; col.9, lines 30-61).

Regarding claim 7, Shiga discloses wherein the EPG data includes text data edited to include a correlation between the broadcast program start time and the title of the broadcast program (see Fig. 7, col.9, lines 6-30).

Regarding claim 8, the claimed limitations of claim 8 are accommodated in the discussions of claim 1 above.

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the discussions of claim 1 above, including the claimed computer which includes the computer program (see col.18, lines 31-55).

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claim 1 above.

6. Claims 2&9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiga et al in view of Kinghorn and further in view of Contolini et al (US 6,643,620)

Regarding claim 2, Shiga and Kinghorn fail to explicitly disclose wherein the EPG decoder section can directly receive broadcast information from the Internet.

Contolini et al teach a voice controlled system for recording and retrieving audio/video programs, including a voice controlled multimedia system for receiving and processing spoken requests against a multimedia database comprising electronic programming guide information for recording and retrieving the audio/video programs, wherein EPG information can also be downloaded via a telecommunication line from an internet based service provider.

It would have been obvious to further modify Shiga by realizing Shiga with the means to download EPG information via a telecommunication line from an internet based service provider, as taught, since this provides the desirable advantage of accessing EPG information through internet, as an alternative EPG information access medium.

Regarding claim 9, the claimed limitations of claim 9 are accommodated in the discussions of claim 2 above.

7. Claims 3,4&10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shiga et al in view of Kinghorn and further in view of Yuen et al (US 6,608,963).

Shiga and Kinghorn fail to explicitly disclose a timing source operates to supply the current time to the controller. Yuen et al teach a video tape indexing system in which program broadcast identification information is entered into the system for use in recording the program comprising microprocessor 20 which includes a real time clock which is internal to the microprocessor 20, and wherein the time component of channel,

date, time and length (CDTL) information is compared with the output of the real time clock (see Fig.1, microprocessor 20; col.1, line 58 to col.2, line 18 and col.2, line 62 to col.3, line 49). It would have been obvious to further modify Shiga by realizing Shiga with a current time source as taught by Yuen, in order to provide a real time source for comparing scheduled time with real time during timed recording, for example.

Regarding claim 4, Contilini further teaches wherein the EPG data includes a receiving channel (see col.9, lines 8-33).

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the discussions of claim 3 above.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

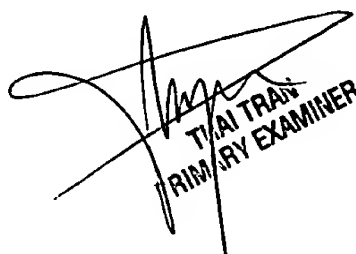
Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on 8:30-6:00 except 2nd Fri : 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Acting supervisor, Thai Tran, can be reached on (703) 305-4725. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


COO
7/20/04


THAI TRAN
PRIMARY EXAMINER